

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THI MEDICAL, S.A.C., :
Plaintiff, : 21 Civ. 03979 (LGS)
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-against- : ORDER
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PPE SOLUTIONS GROUP, LLC, et al., :
Defendants. :
:-----X

LORNA G. SCHOFIELD, District Judge:

WHEREAS, a conference was held on September 16, 2021. For the reasons stated at the conference, it is hereby

ORDERED that the Motion to Compel Arbitration is granted as to the claims against Defendants PPE Solutions Group, LLC, Kyle Barnette, Yohan Park and JPJD2020 (the “Moving Defendants”). It is further

ORDERED that a stay is entered as to claims against the Moving Defendants pending arbitration. It is further

ORDERED that the Plaintiff and Moving Defendants shall file a joint status letter regarding the status of arbitration on November 1, 2021, and every forty-five days thereafter. It is further

ORDERED that the application of TÜV Rheinland North America, Inc. (“TRNA”) to file a motion to dismiss is denied as there are no claims against TRNA and TRNA is not a party to this action.

ORDERED that Plaintiff shall produce forthwith to counsel for TRNA the alleged inspection reports allegedly issued by Defendant TUV Rheinland Group (“TRG”). It is further

ORDERED that Plaintiff and TRNA shall meet and confer and file a joint status letter by

September 30, 2021, proposing next steps as to how the action should proceed with respect to TRG, including whether discovery should proceed against TRNA with respect to TRG, whether Plaintiff should seek a default judgment against TRG, whether Plaintiff should substitute for TRG in this action another TUV entity to be identified by counsel for TRNA. It is further

ORDERED that on or before September 30, 2021, Plaintiff and Defendant Claudio Torres (1) shall meet and confer in an effort agree on how to proceed with claims against Torres, including whether they should be arbitrated with claims against the Moving Defendants, litigated separately in this action, or stayed pending the arbitration with the Moving Defendants, and (2) if they cannot agree, Torres shall file a letter stating whether he plans to move to compel arbitration or seek some other relief concerning the progress of the case, and if so shall propose a briefing schedule upon consultation with Plaintiff. It is further

ORDERED that Plaintiff shall produce forthwith any evidence of payment to Defendant Torres as alleged in the Complaint. It is further

ORDERED that Defendant Torres's motion to dismiss, which was improperly filed and contrary to the Court's individual rules, is DENIED as moot as the motion was orally withdrawn at the conference.

The Clerk of Court is respectfully directed to close the motions at Docket Nos. 47 and 82.

Dated: September 17, 2021
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE